REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-28 are presently active in this case, Claim 1 having been amended by way of the present Amendment. Care has been taken such that no new matter has been entered. The Applicants respectfully request the entry and consideration of the amendments set forth herein as they place the claims into condition for allowance and do not raise new issues that have not previously been searched.

Claims 4, 5, 14, 15, 26, and 27 have been indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the outstanding Official Action, Claims 1-3, 6-11, 16-18, 24, and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by Abildgaard et al. (U.S. Patent No. 6,712,194). Claims 12-15 (presumably should be Claims 12 and 13, since Claims 14 and 15 are allowable) were rejected under 35 U.S.C. 103(a) as being unpatentable over Abildgaard et al. in view of Polling (U.S. Patent No. 6,135,262). Claims 19-23 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Abildgaard et al. For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

In the Office Action, the Abildgaard et al. reference is indicated as anticipating independent Claim 1. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described,

in a single prior art reference. As will be demonstrated below, the Abildgaard et al. reference clearly does not meet each and every limitation of independent Claim 1.

Claim 1 recites a device for sorting products comprising, among other features, a tilting mechanism configured to tilt a supporting surface about an axis of tilt parallel to a conveying path, wherein the tilting mechanism comprises a drive device and at least one cam configured to be rotated by the drive device about an axis of rotation extending parallel to the axis of tilt when the cam moves over a camway so as to cause the support member to tilt about the axis of tilt between a neutral position and an extreme position, and the axis of rotation is spaced apart from the cam by a distance. The Applicants submit that the Abildgaard et al. reference does not disclose all of the above limitations.

The Abildgaard et al. reference describes a tilting mechanism for a sorting conveyer that includes a first smooth wheel (2) and a second smooth wheel (4). The first smooth wheel (2) has a fixed center at a fixed position on an apex of the housing (17). The second smooth wheel (4) is attached to tilting part (6). As the tilting part (6) tilts, a non-linear path (1) on the tilting part (6) slides over the first smooth wheel (2) and the second smooth wheel (4) slides in a vertical direction along a linear path (5) on the housing (17).

Firstly, it is unclear from the Abildgaard et al. reference whether the smooth wheels (2, 4) have axes of rotation, or whether they are fixedly mounted in a non-rotational state on their respective support. Furthermore, the smooth wheel (2), which is cited for the teaching of the cam of the present invention, is provided in a fixed position on the housing (17), and the smooth wheel (4) moves in a linear path along housing (17), so neither smooth wheel

positionally rotates due to movement on the housing (17).

Even assuming solely for the sake of argument that smooth wheel (2) is pivotally mounted at a fixed location on the housing (17), the axis of rotation of the smooth wheel (2) would be the center of the smooth wheel (2), and therefore the axis of rotation would not be spaced apart from the smooth wheel (2) by a distance. Accordingly, the Abildgaard et al. reference clearly does not disclose at least one cam configured to be rotated by the drive device about an axis of rotation, where the axis of rotation is spaced apart from the cam by a distance, as recited in Claim 1. By way of illustration and not limitation, the present application discloses a non-limiting embodiment in which a cam (38) is spaced apart from an axis of rotation (39) in order to realize the numerous advantages discussed in the specification as compared to the Abildgaard et al. configuration (note that the corresponding PCT reference was discussed on page 1 of the specification).

Accordingly, the Applicants submit that the Abildgaard et al. reference does not disclose all of the limitations recited in Claim 1. Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 1.

The rejected dependent claims are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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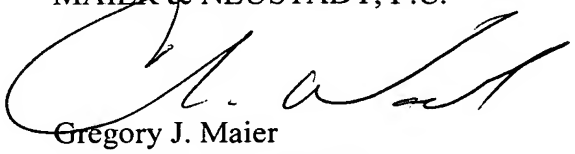

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